

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED IN *Mr* D.C.
05 AUG 10 AM 10:55

LARRY S. MELTON, et al.,

Plaintiffs,

VS.

JOHN JEWELL, et al.,

Defendants.

Civ. No. 1:02-1242-T/P

ORDER GRANTING DEFENDANTS' MOTION TO COMPEL PLAINTIFFS TO RESPOND
TO DISCOVERY AND EXTENDING DISCOVERY CUTOFF DATES

Before the Court is Defendants' Motion to Compel Plaintiffs to Respond to Discovery and Extending Discovery Cutoff Dates, filed July 21, 2005 (dkt #65). The motion was referred to the magistrate judge for determination. Local Rule 7.2(a)(2) requires that

The response to the motion and its supporting memorandum . . . shall be filed within fifteen days after service of the motion and shall be accompanied by a proposed order. Failure to respond timely to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion.

The plaintiff has not filed a response to the motion to compel, and the time to respond has passed.

IT IS THEREFORE ORDERED AND ADJUDGED that the Motion of the Defendants, John Jewell, individually, John Jewell Aircraft, Inc.,

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 8-11-05

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and Shawn Jewell, for an order compelling discovery and extension of discovery cutoff dates be, and the same is, hereby GRANTED and ORDERED as follows:

1. The Court finds that no written objections were made to Defendants' First Set of Interrogatories and Requests for Production of Documents, and the time for making objections has expired, and any objections thereto are deemed to be waived.
2. Plaintiff shall respond to Defendants' First Set of Interrogatories within eleven (11) days from the date of this order, fully, in writing, under oath and in accordance with the Federal Rules of Civil Procedure, and the local rules of this court;
3. Plaintiff shall respond to Defendants' First Set of Requests for Production of Documents within eleven (11) days from the date of this order, fully, in writing, and in accordance with the Federal Rules of Civil Procedure, and the local rules of this court and plaintiffs shall produce the documents sought in the Defendants' Motion for an Order Compelling Discovery;
4. Plaintiff shall provide defendants with a legible and complete copy of all log books of pilot, Melvin Brasher, within eleven (11) days from the date of this order;
5. The original audio tape recording made by the plaintiffs on or about September 4, 2002 shall be produced in its

original form without redaction within eleven (11) days from the date of this order and failure to so provide defendants with this original tape recording will render it inadmissible at trial for all purposes;

6. Discovery cutoff dates previously set forth in the Scheduling Order entered in this cause by the United States Magistrate Judge, on May 13, 2005, are extended as follows:

- (1) **Completion of Document Production, Depositions (except for expert depositions) Interrogatories and Request for Admissions:** October 1, 2005
- (2) **Disclosure of Defendant's Rule 26 Expert Information:** October 1, 2005
- (3) **Expert Witness Depositions:** November 1, 2005

IT IS SO ORDERED.



TU M. PHAM

United States Magistrate Judge

August 10, 2005
Date



Notice of Distribution

This notice confirms a copy of the document docketed as number 69 in case 1:02-CV-01242 was distributed by fax, mail, or direct printing on August 11, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT